IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 12408 of 1998

Between:

D.Kondal Rao, S/o Jagga Rao,
R/o Patha Rajampet, Post Jangampally,
Kamareddy Mandal, Nizamabad.

..... PETITIONER

AND

1 The Labour Court-II, Rep. by its Presiding Officer,
IV Floor, Chandravihar Building,
M.J. Road, Nampally, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C., Bus Depot,
Nizamabad, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the 1st respondent in respect of I.D.823/92 and issue appropriate writ or direction more particularly one in the nature of writ of certiorari and quash the impugned award dt.23-6-94, published on 18-8-94 in not granting any relief of reinstatement with other benefits as arbitrary, unjust and violative of Art.14, 16 and 21 of the Constitution of India and consequently direct the 2nd respondent/corporation to reinstate the petitiner into service with continuity of service, backwages and other consequential benefits in the interest of justice and fair play and to pass such other or further orders that are deemed just and proper in the circumstances of the case.

For the Petitioner: Mr.V.Narasimha Goud, Advocate.

For Respondent No.1: GP for Labour.

For Respondent No. 2: V.T.M. Prasad, Standing Counsel.

The Court made the following:

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ORDER:

This writ petition is filed by the workman being aggrieved by the Award passed by the Labour Court – II, Hyderabad in I.D No. 823 of 1992 dated 23-06-1994.

It is stated in the affidavit filed in support of the writ petition that the petitioner joined the service of the respondent – Andhra Pradesh State Road Transport Corporation as a Conductor in the month of March, 1983. While so, when the petitioner was conducting the bus service on 05-05-1998 in between Nizamabad and Naleswar, a check has been effected by the checking officials after passing stage No. 9 and a Memo was issued alleging thus:

i. Collected the fare from 3 passengers found travelling from stage Nos. 8 to 9/10 @ each 1.10 ps. and not issued the tickets.

ii. Collected fare from 2 passengers found travelling from stage Nos. 8 to 9/10 @ each 1.10 ps. and not issued the tickets.

iii. Collected the fare from 6 passengers found travelling without tickets from stage Nos. 8 to 10 @ Rs.1/- each.

iv. Closed the S.R upto stage No. 9 without issuing the tickets and

v. Failed to observe the rule 'Issue and start'.

After conducting a detailed enquiry into the matter, the petitioner was

removed from service. Aggrieved by the same, he raised an industrial dispute in I.D No. 823 of 1992 under Section 2-A (2) of the Industrial Disputes Act, 1947. Before the Labour Court, the respondent – Corporation filed a counter affidavit denying the allegations made by the petitioner. To substantiate his claim, the petitioner neither examined himself nor filed any documents. Even the respondent – Corporation has not examined any witness but marked documents Exs. M-1 to M-19. After going through the documentary evidence and considering the same elaborately, the Labour Court came to the conclusion that the petitioner – workman does not deserve any relief and accordingly dismissed the claim petition. Aggrieved by the same, the present writ petition is filed.

The respondent – Corporation filed a detailed counter affidavit denying the allegations made by the petitioner. It is also stated that the conduct of the petitioner is not clean and therefore, he does not deserve any lenience to be shown by this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and I have also gone through the Award passed by the Labour Court and the other material placed on record.

I am of the considered view that the Labour Court has not committed any error in upholding the punishment of removal of the petitioner from service so as to be interfered by this Court under Article 226 of the Constitution of India. The charges alleged and proved against the petitioner are grave in nature. As per the charges framed against him, the petitioner has collected fare from the concerned passengers at stage No. 8 and did not issue tickets though the bus had crossed stage No. 9 and even at the checking point. Further, he had also closed the tray numbers of all the denominations up to stage No. 9 without completing issuance of tickets. In fact, the petitioner in his spot explanation under
Ex. M-5 admitted that he had not issued the tickets to the passengers and stated that he was not doing well and therefore, the lapses occurred. However, in his explanation to the charge memo, he improved upon the statement given at the spot and stated that the passengers and himself were forced by the T.T.Is to give false

spot statement. It is therefore clear that the petitioner having collected the requisite fare did not issue tickets to them. Even if the petitioner is not doing well, it is his duty to issue tickets after collecting the fare. There is ample time to the petitioner to issue tickets. Under charges No. 2, the passengers boarded the bus at stage No. 8 and as the distance was very short, it cannot be said that the petitioner was in the process of issuing tickets to them. In the circumstances, the intention on the part of the petitioner to misappropriate the funds of the Corporation in respect of the charges framed against him is culled out.

For all the aforesaid reasons, I am of the considered opinion that the Labour Court has not committed any error calling for the interference of this Court under Article 226 of the Constitution of India. The Labour Court has rightly dismissed the claim petition filed by the petitioner. The writ petition is devoid of merits and is liable to be dismissed.

The Writ Petition is accordingly dismissed. No order as to costs.

(C.V. Ramulu, J)

13-06-2005

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To

1 The Presiding Officer, the Labour Court-II,
IV Floor, Chandravihar Building,
M.J. Road, Nampally, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C., Bus Depot,
Nizamabad, Nizamabad District.

3 Two CCs to the Government Pleader for Labour, High Court of

Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.